

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A substantially reduced calorie or non-caloric frozen carbonated dispenser beverage comprising:

(a) a substantially reduced calorie or non-caloric beverage syrup containing a the freezing point depressant erythritol;

(b) water; and

(c) carbon dioxide.

2. (Currently Amended) The beverage according to claim 1, wherein the freezing point depressant further comprises a Sugar MNS ~~selected~~ chosen from at least one of ~~erythritol~~, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide.

3. (Cancelled)

4. (Currently Amended) The beverage according to claim 1, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, ~~or~~ and sucralose.

5. (Currently Amended) A non-caloric frozen ~~non-carbonated~~ carbonated dispenser beverage comprising:

(a) a beverage syrup containing a high-potency non-caloric sweetener;

(b) ~~and a~~ the freezing point depressant erythritol; and

(c) ~~(b)~~ water.

6. (Currently Amended) The beverage according to claim ~~[[4]]~~ 5, wherein the freezing point depressant further comprises ~~is~~ a Sugar MNS selected from at least one of ~~erythritol~~, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

7. (Cancelled)

8. (Currently Amended) The beverage according to claim 3 5, wherein the high-potency, non-caloric sweetener is ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

9. (Currently Amended) A method of making a substantially reduced calorie or non-caloric frozen carbonated dispenser beverage comprising:

combining at a reduced temperature, a substantially reduced calorie or non-caloric beverage syrup containing a the freezing point depressant erythritol ~~at a reduced temperature~~ with water; and carbon dioxide.

10. (Currently Amended) The method according to claim 9, wherein the freezing point depressant further comprises is a Sugar MNS ~~selected~~ chosen from at least one of ~~erythritol~~, isomalt, maltitol, lactitol, or and fructo-oligosaccharide sweetener.

11. (Cancelled)

12. (Cancelled)

13. (Currently Amended) A reduced calorie frozen carbonated dispenser beverage having a given freezing point comprising:

(a) a reduced calorie beverage syrup containing a mixture of a non-caloric sweetener and a low caloric sugar, the low caloric sugar acting as a freezing point depressant, as compared to freezing point depressant characteristics of the non-caloric sweetener;

(b) water; and

(c) carbon dioxide

wherein the given freezing point is determined from a reference molal concentration of high-caloric sugar in a standard frozen carbonated beverage for achieving said given freezing point, and the amount of low-caloric sugar in the mixture is

selected to achieve substantially the same molal concentration thereof as the reference molal concentration.

14. (Currently Amended) The beverage of claim 13, wherein ~~a ratio~~ the ratio of low caloric sugar to non-caloric sweetener in the mixture is selected to achieve said given freezing point.

15. (Cancelled)

16. (Currently Amended) The beverage according to claim 13, wherein the ~~freezing point depressant~~ the low caloric sugar comprises a Sugar MNS selected chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

17. (Currently Amended) The beverage according to claim 14, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS selected chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

18. (Cancelled)

19. (Currently Amended) The beverage according to claim 16, wherein the ~~freezing point depressant~~ Sugar MNS is erythritol.

20. (Currently Amended) The beverage according to claim 16, wherein the beverage syrup contains a high-potency non-caloric sweetener selected from at least one of aspartame, saccharin, acesulfame-K, cyclamate, ~~or~~ and sucralose.

21. (Currently Amended) A reduced calorie frozen non-carbonated dispenser beverage having a given freezing point comprising:

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

(a) a beverage syrup containing a mixture of non-caloric sweetener and a low caloric sugar, said low-caloric sugar acting as a freezing point depressant, as compared to freezing point depressant characteristics of the non-caloric sweetener; and

(b) water

wherein a ratio of low-caloric sugar to non-caloric sweetener in the mixture is selected to achieve said given freezing point.

22. (Cancelled)

23. (Currently Amended) The beverage of claim 21 22, wherein the given freezing point is determined from a reference molal concentration of high-caloric sugar in a standard frozen carbonated beverage for achieving said given freezing point, and the amount of low-caloric sugar in the mixture is selected to achieve substantially the same molal concentration thereof as the reference molal concentration.

24. (Currently Amended) The beverage according to claim 21, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS selected from a ~~group consisting at least one~~ of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

25. (Cancelled)

26. (Currently Amended) The beverage according to claim 23, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen from a ~~group consisting at least one~~ of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

27. (Previously Presented) The beverage according to claim 24, wherein the Sugar MNS is erythritol.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

28. (Currently Amended)) The beverage according to claim 24, further comprising wherein the a non-caloric sweetener is selected chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, or sucralose.

29. (Currently Amended) A method of making a reduced calorie frozen carbonated dispenser beverage having a given freezing point comprising:

combining a reduce calorie beverage syrup containing a mixture of a non-caloric sweetener and a low caloric sugar, said low caloric sugar acting as a freezing point depressant, as compared to freezing point depressant characteristics of the non-caloric sweetener; water and carbon dioxide

wherein a ratio of low caloric sugar to non-caloric sweetener in the mixture is selected to achieve said given freezing point.

30. (Cancelled)

31. (Currently Amended) The method of claim 29 30, wherein the given freezing point is determined from a reference molal concentration of high-caloric sugar in a standard frozen carbonated beverage for achieving said freezing point, and the amount of low caloric sugar in the mixture is selected to achieve substantially the same molal concentration thereof as the reference molal concentration.

32. (Currently Amended) The method according to claim 29, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

33. (Currently Amended) The method according to claim 29 30, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

34. (Currently Amended) The method according to claim 31, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

35. (Currently Amended) The method according to claim 32, wherein the ~~freezing point depressant~~ Sugar MNS is erythritol.

36. (Currently Amended) The new beverage according to claim 32, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, ~~or~~ and sucralose.

37. (Currently Amended) A method of controlling the freezing point depressant characteristics of a beverage syrup for a frozen dispenser beverage to be mixed with a diluent comprising the steps of:

(a) blending a non-caloric sweetener and a low-caloric sugar, said low-caloric sugar acting as a freezing point depressant for the diluent compared to freezing point depressant characteristics of the non-caloric sweetener; ~~and~~

(b) controlling the ratio of low-caloric sugar to non-caloric sweetener to achieve a given freezing point of the diluent and syrup mixture; and

wherein the given freezing point is determined from a reference molal concentration of high-caloric sugar in a standard frozen carbonated beverage for achieving said given freezing point, and the amount of low caloric sugar in the mixture is selected to achieve substantially the same molal concentration thereof as the reference molal concentration.

38. (Cancelled)

39. (Previously Presented) The method of claim 37, wherein said ratio is up to 1/3.

40. (Currently Amended) The method of claim 37, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

41. (Cancelled)

42. (Currently Amended) The method of claim 39, wherein the ~~freezing point depressant~~ low caloric sugar comprises a Sugar MNS ~~selected~~ chosen from at least one of erythritol, isomalt, maltitol, lactitol, ~~or~~ and fructo-oligosaccharide sweetener.

43. (Currently Amended) The method of claim 40, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, ~~or~~ and sucralose.

44. (Currently Amended) A reduced calorie frozen non-carbonated dispenser beverage comprising:

(a) a beverage syrup containing a high-potency non-caloric sweetener and a freezing point depressant ; and

(b) water,

wherein ~~The beverage according to claim 1, wherein~~ the freezing point depressant comprises a sugar MNS ~~selected~~ chosen from at least one of propylene glycol, glycerol, and sorbitol.

45. (Currently Amended) The beverage according to claim 44, wherein the freezing point depressant comprises a sugar MNS ~~selected~~ chosen from at least two of propylene glycol, glycerol, and sorbitol.

46. (Previously Presented) The beverage according to claim 44, wherein the freezing point depressant comprises a sugar MNS including propylene glycol, glycerol, and sorbitol.

47. (Currently Amended) The beverage according to claim 44, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

48. (Previously Presented) The beverage according to claim 47, wherein the high-potency non-caloric sweetener includes sucralose.

49. (Currently Amended) The beverage according to claim 45, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

50. (Previously Presented) The beverage according to claim 49, wherein the high-potency non-caloric sweetener includes sucralose.

51. (Currently Amended) The beverage according to claim 46, wherein the beverage syrup contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

52. (Previously Presented) The beverage according to claim 51, wherein the high-potency non-caloric sweetener includes sucralose.

53. (Currently Amended) A method of depressing the freezing point of a reduced calorie beverage syrup comprising:

preparing a reduced caloric beverage syrup by replacing up to one third of a high-potency non-caloric sweetener with a freezing point depressant chosen ~~selected~~ from at least one of propylene glycol, glycerol and sorbitol.

54. (Currently Amended) The method according to claim 53, wherein the high-potency non-caloric sweetener includes sucralose.

55. (Currently Amended) The beverage according to claim 13, wherein the low caloric sugar is ~~selected~~ chosen from at least one of propylene glycol, glycerol, and sorbitol.

56. (Currently Amended) The beverage according to claim 55, wherein the low caloric sugar is ~~selected~~ chosen from at least two of propylene glycol, glycerol, and sorbitol.

57. (Previously Presented) The beverage according to claim 55, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

58. (Currently Amended) The beverage according to claim 55, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

59. (Previously Presented) The beverage according to claim 58, wherein the high-potency non-caloric sweetener includes sucralose.

60. (Currently Amended) The beverage according to claim 56, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

61. (Previously Presented) The beverage according to claim 60, wherein the high-potency non-caloric sweetener includes sucralose.

62. (Currently Amended) The beverage according to claim 57, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

63. (Previously Presented) The beverage according to claim 62, wherein the high-potency non-caloric sweetener includes sucralose.

64. (Currently Amended) The beverage according to claim 21, wherein the low caloric sugar is ~~selected~~ chosen from at least one of propylene glycol, glycerol, and sorbitol.

65. (Currently Amended) The beverage according to claim 64, wherein the low caloric sugar is ~~selected~~ chosen from at least two of propylene glycol, glycerol, and sorbitol.

66. (Previously Presented) The beverage according to claim 64, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

67. (Currently Amended) The beverage according to claim 64, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

68. (Previously Presented) The beverage according to claim 67, wherein the high-potency non-caloric sweetener includes sucralose.

69. (Currently Amended) The beverage according to claim 65, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

70. (Previously Presented) The beverage according to claim 69, wherein the high-potency non-caloric sweetener includes sucralose.

71. (Currently Amended) The beverage according to claim 66, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

72. (Previously Presented) The beverage according to claim 71, wherein the high-potency non-caloric sweetener includes sucralose.

73. (Currently Amended) The beverage according to claim 29, wherein the low caloric sugar is ~~selected~~ chosen from at least one of propylene glycol, glycerol, and sorbitol.

74. (Currently Amended) The beverage according to claim 73, wherein the low caloric sugar is ~~selected~~ chosen from at least two of propylene glycol, glycerol, and sorbitol.

75. (Previously Presented) The beverage according to claim 73, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

76. (Currently Amended) The beverage according to claim 73, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

77. (Previously Presented) The beverage according to claim 76, wherein the high-potency non-caloric sweetener includes sucralose.

78. (Currently Amended) The beverage according to claim 74, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

79. (Previously Presented) The beverage according to claim 78, wherein the high-potency non-caloric sweetener includes sucralose.

80. (Currently Amended) The beverage according to claim 75, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

81. (Previously Presented) The beverage according to claim 80, wherein the high-potency non-caloric sweetener includes sucralose.

82. (Currently Amended) The beverage according to claim 37, wherein the low caloric sugar is ~~selected~~ chosen from at least one of propylene glycol, glycerol, and sorbitol.

83. (Currently Amended) The beverage according to claim 82, wherein the low caloric sugar is ~~selected~~ chosen from at least two of propylene glycol, glycerol, and sorbitol.

84. (Previously Presented) The beverage according to claim 82, wherein the low caloric sugar includes propylene glycol, glycerol, and sorbitol.

85. (Currently Amended) The beverage according to claim 82, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

86. (Previously Presented) The beverage according to claim 85, wherein the high-potency non-caloric sweetener includes sucralose.

87. (Currently Amended) The beverage according to claim 83, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

88. (Previously Presented) The beverage according to claim 87, wherein the high-potency non-caloric sweetener includes sucralose.

89. (Currently Amended) The beverage according to claim 84, wherein the beverage contains a high-potency non-caloric sweetener ~~selected~~ chosen from at least one of aspartame, saccharin, acesulfame-K, cyclamate, and sucralose.

90. (Previously Presented) The beverage according to claim 89, wherein the high-potency non-caloric sweetener includes sucralose.

91. (Cancelled)

92. (new) The beverage according to claim 1, wherein said beverage syrup further comprises tagatose.

93. (new) The beverage according to claim 4, wherein said beverage syrup further comprises tagatose.

94. (new) The beverage according to claim 5, wherein said beverage syrup further comprises tagatose.

95. (new) The beverage according to claim 8, wherein said beverage syrup further comprises tagatose.

96. (new) The beverage according to claim 9, wherein said beverage syrup further comprises tagatose.

97. (new) The beverage according to claim 13, wherein said beverage syrup further comprises tagatose.

98. (new) The beverage according to claim 19, wherein said beverage syrup further comprises tagatose.

99. (new) The beverage according to claim 21, wherein said beverage syrup further comprises tagatose.

100. (new) The beverage according to claim 27, wherein said beverage syrup further comprises tagatose.

101. (new) The beverage according to claim 35, wherein said beverage syrup further comprises tagatose.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

102. (new) The beverage according to claim 37, wherein said beverage syrup further comprises tagatose.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com